

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U.S. COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

December 18, 2002

Mr. Perry D. Mathis
Clerk
United States District Court
140 Hugo L. Black United States
Courthouse
1729 Fifth Avenue North
Birmingham, AL 35203

IN RE: MDL 1407 (PPA) PHENYLPROPANOLAMINE PRODUCTS LIABILITY LITIGATION

Dear Clerk:

Enclosed is certified copy of the Transfer Order entered by the Judicial Panel on Multidistrict Litigation. The Order became effective December 12, 2002. We have assigned an individual Western District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil action number.

Title of Case
Compton v. Bayer Corp.

Your Number
2:02-1469

WAW Number
CV 02-2525

Sincerely,

BRUCE RIFKIN, CLERK

BY

Valerie Barber

Valerie Barber, Deputy Clerk
206-553-4170 ext 4

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U.S. COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

December 18, 2002

Mr. Richard W. Wieking
Clerk
United States District Court
Phillip Burton United States Courthouse
Box 36060
450 Golden Gate Avenue
San Francisco, CA 94102-3489

IN RE: MDL 1407 (PPA) PHENYLPROPANOLAMINE PRODUCTS LIABILITY LITIGATION

Dear Clerk:

Enclosed is certified copy of the Transfer Order entered by the Judicial Panel on Multidistrict Litigation. The Order became effective December 12, 2002. We have assigned an individual Western District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil action number.

Title of Case
Lundgren v. Chattem, Inc.

Your Number
3:02-3715

WAW Number
CV02-2526

Sincerely,

BRUCE RIFKIN, CLERK

BY *Valerie Barber*

Valerie Barber, Deputy Clerk
206-553-4170 ext 4

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U.S. COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

December 18, 2002

Mr. Warren A. Cuntz, Jr.
District Court Administrator
United States District Court
C-367 United States Courthouse
500 Camp Street
New Orleans, LA 70130

IN RE: MDL 1407 (PPA) PHENYLPROPANOLAMINE PRODUCTS LIABILITY LITIGATION

Dear Clerk:

Enclosed is certified copy of the Transfer Order entered by the Judicial Panel on Multidistrict Litigation. The Order became effective December 12, 2002. We have assigned an individual Western District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil action number.

Title of Case
Donnelly v. Bayer Corp.
Celestine v. Wyeth Co.

Your Number
2:02-2436
2:02-2468

WAW Number

CV02-2527
CV02-2528

Sincerely,

BRUCE RIFKIN, CLERK

BY *Valerie Barber*
Valerie Barber, Deputy Clerk
206-553-4170 ext 4

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U.S. COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

December 18, 2002

Mr. Arlen B. Coyle
Clerk
United States District Court
369 Federal Building and
United States Courthouse
911 Jackson Avenue West
Oxford, MS 38655-3622

IN RE: MDL 1407 (PPA) PHENYLPROPANOLAMINE PRODUCTS LIABILITY LITIGATION

Dear Clerk:

Enclosed is certified copy of the Transfer Order entered by the Judicial Panel on Multidistrict Litigation. The Order became effective December 12, 2002. We have assigned an individual Western District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil action number.

Title of Case	Your Number
Harris v. Bayer Corp.	2:02-127
Towner v. American Home Prod.	2:02-132
Wilson v. American Home Prod.	2:02-133
Ingram v. Bayer Corp.	4:02-39
Clay v. American Home Prod. .	4:02-149
Burchfield v. American Home Prod.	4:02-151

CV 02 - 2530
CV 02 - 2531
CV 02 - 2532
CV 02 - 2533
CV 02 - 2534
CV 02 - 2535

Sincerely,

Valerie Barber

BRUCE RIFKIN, CLERK

BY

Valerie Barber, Deputy Clerk
206-553-4170 ext 4

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U.S. COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

December 18, 2002

Mr. J. T. Noblin
Clerk
United States District Court
316 James O. Eastland United States
Courthouse
245 East Capitol Street
Jackson, MS 39201

IN RE: MDL 1407 (PPA) PHENYLPROPANOLAMINE PRODUCTS LIABILITY LITIGATION

Dear Clerk:

Enclosed is certified copy of the Transfer Order entered by the Judicial Panel on Multidistrict Litigation. The Order became effective December 12, 2002. We have assigned an individual Western District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil action number.

Title of Case
Smith v. American Home Prod.
Pipes v. American Home Prod
Brooks v. American Home Prod.

Your Number
2:02-562
3:02-498
4:02-273

WAW Number

CV 02-2536

CV 02-2537

CV 02-2538

Sincerely,

Valerie Barber
BRUCE RIFKIN, CLERK

BY
Valerie Barber, Deputy Clerk
206-553-4170 ext 4

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U.S. COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

December 18, 2002

Mr. William G. Putnicki
Clerk
United States District Court
John H. Wood, Jr. United States
Courthouse
655 East Durango Boulevard
San Antonio, TX 78206-1198

IN RE: MDL 1407 (PPA) PHENYLPROPANOLAMINE PRODUCTS LIABILITY LITIGATION

Dear Clerk:

Enclosed is certified copy of the Conditional Transfer Order entered by the Judicial Panel on Multidistrict Litigation. The Order became effective December 12, 2002. We have assigned an individual Western District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our civil action number.

Title of Case	Your Number
Valdez, Jr., v. Wyeth	3:02-310
Olivas v. American Home Prod Corp.	3:02-311

WAW Number

CV 02-2540³⁹
CV 02-2541

Sincerely,

Valerie Barber

BRUCE RIFKIN, CLERK

BY

Valerie Barber, Deputy Clerk
206-553-4170 ext 4

UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge Morey L. Sear
United States District Court
Eastern District of Louisiana

Judge Bruce M. Selya
United States Court of Appeals
First Circuit

Judge Julia Smith Gibbons
United States Court of Appeals
Sixth Circuit

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

December 12, 2002

Bruce Rifkin, Clerk
215 William Kenzo Nakamura
U.S. Courthouse
1010 Fifth Avenue
Seattle, WA 98104-1130

Re: MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

Billy Ray Crumpton, et al. v. Bayer Corp., et al., N.D. Alabama, C.A. No. 2:02-1469
Karen Lundgren v. Chattem, Inc., et al., N.D. California, C.A. No. 3:02-3715
Daphine B. Donnelly, et al. v. Bayer Corp., et al., E.D. Louisiana, C.A. No. 2:02-2436
Gloria Celestine v. Wyeth Co., et al., E.D. Louisiana, C.A. No. 2:02-2468
Patricia Harris, etc. v. Bayer Corp., et al., N.D. Mississippi, C.A. No. 2:02-127
Robert Towner v. American Home Products Corp., et al., N.D. Mississippi, C.A. No. 2:02-132
Eugene Wilson, et al. v. American Home Products Corp., et al., N.D. Mississippi, C.A. No. 2:02-133
Florence Ingram, et al. v. Bayer Corp., et al., N.D. Mississippi, C.A. No. 4:02-39
Dorothy Ann Clay, et al. v. American Home Products Corp., et al., N.D. Mississippi, C.A. No. 4:02-149
Kathleen Burchfield v. American Home Products Corp., et al., N.D. Mississippi, C.A. No. 4:02-151
Dina Smith, etc. v. American Home Products Corp., et al., S.D. Mississippi, C.A. No. 2:02-562
Helen Pipes, etc. v. American Home Products Corp., et al., S.D. Mississippi, C.A. No. 3:02-498
Theresa Brooks, et al. v. American Home Products Corp., et al., S.D. Mississippi, C.A. No. 4:02-273
Ruben Valdez, Jr., et al. v. Wyeth, et al., W.D. Texas, C.A. No. 3:02-310
Antonia Olivas, et al. v. American Home Products Corp., et al., W.D. Texas, C.A. No. 3:02-311

Dear Mr. Rifkin:

I am enclosing a certified copy and additional copies of an order filed by the Judicial Panel on Multidistrict Litigation in the above-captioned matter. The act creating the Panel provides that:

Orders of transfer ... shall be filed in the office of the clerk of the district court of the transferee district and shall be effective when thus filed. The clerk of the transferee district court shall forthwith transmit a certified copy of the panel's order to transfer to the clerk of the district court from which the action is being transferred. 28 U.S.C. § 1407(c).



MD-01 01407 00001294


1294

As is also required by the statute, a copy of the order is being sent to the clerk for the Southern District of Georgia, the district in which the hearing on this matter was held on November 21, 2002.

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By 
Deputy Clerk

Enclosures/Attachment

cc: Transferee Judge: Judge Barbara Jacobs Rothstein
Transferor Judges: (See Attached List of Judges)
Transferor Clerks: (See Attached List of Clerks)
Hearing District Clerk: Scott Poff

JPML Form 29

A CERTIFIED TRUE COPY

DEC 12 2002

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

DEC 12 2002

FILED
CLERK'S OFFICE

DOCKET NO. 1407

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY
LITIGATION**

Billy Ray Crumpton, et al. v. Bayer Corp., et al., N.D. Alabama, C.A. No. 2:02-1469
Karen Lundgren v. Chattem, Inc., et al., N.D. California, C.A. No. 3:02-3715
Daphine B. Donnelly, et al. v. Bayer Corp., et al., E.D. Louisiana, C.A. No. 2:02-2436
Gloria Celestine v. Wyeth Co., et al., E.D. Louisiana, C.A. No. 2:02-2468
Patricia Harris, etc. v. Bayer Corp., et al., N.D. Mississippi, C.A. No. 2:02-127
Robert Towner v. American Home Products Corp., et al., N.D. Mississippi, C.A. No. 2:02-132
Eugene Wilson, et al. v. American Home Products Corp., et al., N.D. Mississippi, C.A. No.
2:02-133
Florence Ingram, et al. v. Bayer Corp., et al., N.D. Mississippi, C.A. No. 4:02-39
Dorothy Ann Clay, et al. v. American Home Products Corp., et al., N.D. Mississippi, C.A. No.
4:02-149
Kathleen Burchfield v. American Home Products Corp., et al., N.D. Mississippi, C.A. No.
4:02-151
Dina Smith, etc. v. American Home Products Corp., et al., S.D. Mississippi, C.A. No. 2:02-562
Helen Pipes, etc. v. American Home Products Corp., et al., S.D. Mississippi, C.A. No. 3:02-498
Theresa Brooks, et al. v. American Home Products Corp., et al., S.D. Mississippi, C.A. No.
4:02-273
Ruben Valdez, Jr., et al. v. Wyeth, et al., W.D. Texas, C.A. No. 3:02-310
Antonia Olivas, et al. v. American Home Products Corp., et al., W.D. Texas, C.A. No. 3:02-311

**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN,
MOREY L. SEAR,* BRUCE M. SELYA,* JULIA SMITH GIBBONS, D.
LOWELL JENSEN AND J. FREDERICK MOTZ,* JUDGES OF THE
PANEL**

TRANSFER ORDER

Before the Panel are motions brought, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in fifteen actions seeking to vacate Panel orders conditionally transferring their respective actions pending in the Northern District of Alabama, the Northern District of California, the Eastern District of Louisiana, the Northern District of Mississippi, the Southern District of Mississippi, and the Western District of Texas. Plaintiffs object to transfer of their actions to the Western District of Washington for inclusion in the centralized pretrial

*Judges Sear and Selya took no part in the decision of this matter. Additionally, Judge Motz took no part in the disposition of this matter with respect to one of the Western District of Texas actions (*Valdez*).

proceedings occurring there in this docket before Judge Barbara Jacobs Rothstein. Various defendants in the actions have responded in support of transfer.

On the basis of the papers filed and hearing session held, the Panel finds that these actions involve common questions of fact with actions in this litigation previously transferred to the Western District of Washington, and that transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel is persuaded that transfer of the actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. The Panel held that the Western District of Washington was a proper Section 1407 forum for actions brought by persons allegedly injured by products containing Phenylpropanolamine (PPA) -- a substance which, until it recently became the subject of a public health advisory issued by the Food and Drug Administration, was used as an ingredient in many nasal decongestants and weight control products. *See In re Phenylpropanolamine (PPA) Products Liability Litigation*, 173 F.Supp.2d 1377 (J.P.M.L. 2001).

The plaintiffs opposing transfer of their actions premise much of their opposition to transfer on their argument that federal jurisdiction is lacking in their actions. These parties urge the Panel not to order transfer before remand motions are resolved by the appropriate transferor court. We note that remand and other motions, if not resolved in transferor courts by the time of Section 1407 transfer, can be presented to and decided by the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these fifteen actions are transferred to the Western District of Washington and, with the consent of that court, assigned to the Honorable Barbara Jacobs Rothstein for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

INVOLVED COUNSEL LIST
DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

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Jackson, MS 39205

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Jones, Walker, Waechter, et al.
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49th Floor
New Orleans, LA 70170

INVOLVED JUDGES LIST
DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

Hon. David Briones
U.S. District Judge
U.S. Courthouse
511 E. San Antonio Street
El Paso, TX 79901-2401

Hon. Glen H. Davidson
Chief Judge, U.S. District Court
P.O. Box 767
Aberdeen, MS 39730-0767

Hon. Kurt D. Engelhardt
U.S. District Judge
C-317 U.S. Courthouse
500 Camp Street
New Orleans, LA 70130

Hon. Martin L.C. Feldman
U.S. District Judge
C-555 U.S. Courthouse
500 Camp Street
New Orleans, LA 70130-3318

Hon. Elizabeth D. Laporte
U.S. Magistrate Judge
Phillip Burton U.S. Courthouse
Box 36060
450 Golden Gate Avenue
San Francisco, CA 94102

Hon. Tom S. Lee
Chief Judge, U.S. District Court
110 James O. Eastland U.S. Courthouse
245 East Capital Street
Jackson, MS 39201

Hon. Philip R. Martinez
U.S. District Judge
U.S. Courthouse
511 East San Antonio Avenue
El Paso, TX 79901

Hon. Michael P. Mills
U.S. District Judge
355 Federal Bldg. & U.S. Courthouse
911 Jackson Avenue, West
Oxford, MS 38653

Hon. Edwin L. Nelson
U.S. District Judge
786 Hugo L. Black U.S. Courthouse
1729 5th Avenue North
Birmingham, AL 35203

Hon. W. Allen Pepper, Jr.
U.S. District Judge
United States District Court
Post Office Box 370
Greenville, MS 38702-0370

Hon. Charles W. Pickering, Sr.
U.S. District Judge
228 U.S. Courthouse & Federal Bldg.
701 North Main Street
Hattiesburg, MS 39401

Hon. Henry T. Wingate
U.S. District Judge
109 James O. Eastland U.S. Courthouse
245 East Capitol Street
Jackson, MS 39201

INVOLVED CLERKS LIST
DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

Arlen B. Coyle, Clerk
U.S. District Court
P.O. Box 190
Greenville, MS 38702-0190

Arlen B. Coyle, Clerk
369 Federal Building & U.S. Courthouse
911 Jackson Avenue East
Oxford, MS 38655-3622

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701 North Main Street
Hattiesburg, MS 39401

J.T. Noblin, Clerk
316 James O. Eastland U.S. Courthouse
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500 Camp Street
New Orleans, LA 70130-3367

Perry D. Mathis, Clerk
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1729 5th Avenue North
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William G. Putnicki, Clerk
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511 East San Antonio Street
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